1	JOSEPH W. CHARLES, P.C.	
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5	JOSEPH W. CHARLES	
6	State Bar No. 003038	
7	IN THE UNITED STATES	DISTRICT COURT
8	FOR THE DISTRICT OF ARIZONA	
9		
10	In re the Matter of:	
11	MARTHA RODRIGUEZ, a single woman,	Case No. CV-09-01853-PHX-FJM
12	Plaintiff,	PLAINTIFF'S CONTROVERTING
13	vs.	STATEMENT OF FACTS IN RESPONSE TO DEFENDANTS
14 15 16 17 18 19 20 21	QUALITY LOAN SERVICE CORP. a California corporation licensed to do business in the State of Arizona, MIDFIRST BANK a nationally chartered bank, and their subsidiary MIDLAND MORTGAGE COMPANY, an Oklahoma Corporation licensed to do business in the State of Arizona, WELLS FARGO BANK, N.A., a national banking association licensed to do business in the State of Arizona. TRES AMIGOS PROPERTIES LLC, an Arizona limited	MIDFIRST BANK AND MIDLAND MORTGAGE COMPANY'S MOTION FOR SUMMARY JUDGMENT RE: COUNT I (Assigned to the Honorable Frederick J. Martone) (ORAL ARGUMENT REQUESTED)
	liability company, XYZ	
22	CORPORATIONS 1-10, JOHN and JANE DOES 1-10, BLACK	
23	PARTNERSHIPS 1-10 Defendants.	
24	Defendants.	
25		
26	COMES NOW the Plaintiff, MARTHA RODRIGUEZ, by and through their	
27	counsel undersigned, and for her response to the Motion for Summary Judgment	
28	filed by Defendants, states as follows:	

- 1. Admit
- 2. Admit.
- 3. Deny. Defendants Midland Mortgage Company and/or Midfirst Bank has made no effort to demonstrate possession of the Note in question. The declaration of Thaddeus Burr appears to be nothing more than a boilerplate recitation of patterns or practices of the company. Mr. Burr made no mention of specifically observing the note for himself and has not made it available for Plaintiff to view.
- 4. Plaintiff needs time to clarify the facts thought the discovery process starting with depositions of key personnel within Wells Fargo.
- 5. Pursuant to Rule 56(f), Fed. R. Civ. P., the Plaintiff requires additional discovery before an affidavit can be produced that goes directly to the question of the status of the note.

RESPECTFULLY SUBMITTED this 30th day of July, 2010.

JOSEPH W. CHARLES, P.C.

By: /s/ Joseph Charles
JOSEPH W. CHARLES
Attorneys for Plaintiff

1 2	ORIGINAL filed this 30th day of July, 2010, with:	
3	Clerk of the Court	
4		
5	COPY of the foregoing mailed this 30th day of July 2010, to:	
6	day of oary 2010, to.	
7	Paul M. Levine	
8	3636 North Central Ave., Suite 1050 Phoenix, AZ 85012 Attorneys for Midfirst Bank	
9		
10		
11	Geoffrey S. Kercsmar	
12	Jenessa G. B. Coccaro	
13	KERCSMAR & FELTUS PLLC 6263 N. Scottsdale Road, Suite 320	
14	Scottsdale, Arizona 85250 Attorneys for Defendant Wells Fargo Bank, N.A.	
15	,	
16	/s/ C. Short	
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